

#5800

Auth: Jennifer Prior
Cdk

pgs i - 233

& more to come +

NEVER AGAIN!

Forces Institute of Pathology, the brain was still at the Naval Hospital on November 29 because Humes phoned him that day to tell him that the three prosecutors "would ... examine the brain" at the Naval Hospital.

At this point in his article Breo reported on another controversy. He began:

Boswell concludes, 'In hindsight, we might have called in a civilian pathologist like Russell Fisher, who was right next door in Baltimore. [Fisher then was Maryland's chief medical examiner, and expert in forensic pathology and the author of basic texts in that specialty.] We didn't need him to confirm our findings, but it might have removed the doubts about military control.' Humes says, 'Russell was a friend and we easily could have asked him to come in to help, but we had no problem in determining the cause of death.'

While there were questions about only military pathologists being involved in the autopsy examination, that was not the major criticism. Lundberg should have, as a pathologist himself, recognized that Humes was being misleading. The real problem was that neither Humes, Boswell, nor Finck was experienced in forensic pathology, the minimal requirement of a full, complete, and competent autopsy examination. Lundberg let them pretend that they had the requisite forensic pathology experience when not one of the three did. Their Warren Commission testimony, which was under oath, makes it without question that none of them did.

Although I know of no single newspaper, magazine, or radio or TV newscast that picked it up and used it, United Press International provided its international clients with precisely this well-known criticism as soon as Lundberg had staged his Hollywood-on-Madison Avenue exploit. The story was filed from Wichita, Kansas, where "the annual Western Conference on Civil and Criminal Procedures" was being held. United Press International's report begins, "An internationally recognized forensic pathologist called 'absurd' conclusions regarding the assassination of President John F. Kennedy drawn in

an article in the *Journal of the American Medical Association*" (Undated, cf. CW).

That statement was credited to Dr. Cyril Wecht, the former head of the American Academy of Forensic Sciences. He is a medical doctor, a lawyer, and a longtime Professor of Medical-law at Duquesne University in Pittsburgh. For years he was also the chief medical examiner for Allegheny County and its coroner. He has been not only a practicing forensic pathologist for decades: he has also taught it for decades to those who become forensic pathologists. He is, without question, one of the country's foremost forensic pathologists.

He told United Press International, "You must remember, Humes and Boswell had never done medical-legal autopsies in their careers. It was really inept." United Press International also reported that he "questioned Lundberg's qualifications to draw any conclusions based only on his interview with the physicians. The whole thing is a farce, really. He [Lundberg] has not studied the autopsy materials [as we have just seen]. He is not a fully formally trained board-certified forensic pathologist. I'm not sure he would be qualified to testify in a court of law."

Wecht also said that Lundberg's and JAMA's purpose was to make "the American public believe that some kind of true investigative study has been done afresh. And there is nothing new here."

What Breo wrote and Lundberg published depends on Humes's and Boswell's word and that alone. The JAMA article reflected no interest in or effort to confirm what they had said. This would have focused interest on what they had said and what Lundberg had published so uncritically, especially on two controversial matters. Lundberg devoted close to 10 percent of Breo's article to the first of them, which is that Humes destroyed some original autopsy records. My exposé of this event reached many people who did not have my book because the first public attention to it was on a New York City TV show. Humes not only destroyed original records of it—he then certified that he had destroyed these original records, which he was careful not to identify.

So, when by accident, it became apparent to me that what I had

lynny
page 75

what does 'this' mean? I did not say this. NEVER AGAIN! maybe he 'lost' what I wrote by saying

Undate wire service
teletype copy sent me

to

that

when I used
it in 1966

see separate
sheet

This may be correct but even if it is it will be confusing because the entire installation of 74 "medical center" and its command officer was an admiral named gibson Harold Weisberg superior something like "Humes" and Boswell superior officer adds, "Captain Stover (the medical center's commanding officer) was thorough, and I'm sure he had someone complete the paperwork."

Boswell was correct, but Lundberg, who knew nothing at all, knew better. His concept of conducting interviews was to argue his uninformed and incorrect beliefs.

He did not know that the autopsy had been properly authorized and ordered, therefore it was not. Reality for some reason seemed to be what he believed it to be, without having bothered to learn the truth, as he could have by a simple letter or phone call to the Navy's FOIA office. But then he had only seven years in which to prepare, from the time he got that seven-year justify-the-Warren-Report and my-old-chums itch.

There was nothing else at all about the autopsy and what relates to it that he had the time to learn in those seven years, as will be apparent.

So that Breo can be evaluated, we must consider what he wrote about two matters that have been intensely controversial for years: (1) what happened to JFK's brain; and (2) the forensic qualifications of the Humes and Boswell. His treatment of them will also provide a means of determining how much the words of all four principals can be accepted.

Toward the end of his article, Breo asked, "What happened to the brain?" He then wrote, "Boswell says, 'I believe that it was buried with the body.' Humes says, 'I don't know, but I do know that I personally handed it over to Admiral Burkley and that he told me that the family intended to bury it with the body. I believe Admiral Burkley.'"

All should have known not only that this was not true, but that it was impossible. Humes and Boswell should have known this from what they had said in their own autopsy report. Lundberg and Breo should have known because they should have read the autopsy report, the basis of Lundberg's interviews and of Breo's article.

Humes wrote the autopsy report in longhand. It was retyped, and the retyped copy is the one filed as official. (I published the rewritten

I am reasonably certain that what I just wrote is the human burned his own autopsy report and

I have no idea why the editor removed so many of my citations NEVER AGAIN! to Post Mortem, which is a much more readily available source than the commission's 26 volumes but in doing that one-wrong here and there where, Humes' 15 page report is given as having at least 570 pages! I cited page 570 of Post Mortem where it is in facsimile. In the holograph it is page eight

holograph of this report in facsimile in Post Mortem on pages 509-23.) The Commission's copy was provided by the Secret Service almost a month later, under the date of December 20, 1963. The Commission filed it as one of its numbered documents, or as Commission Document 77, and in its file of "key Persons," under "Kennedy, John F. 4-1."

On page 4 of the typed copy, page 516 of Humes's handwritten "original" (the quotation marks will be explained later), Humes wrote, "The brain is removed and preserved for further study following formalin fixation." The next-to-the-last sentence in the text of Humes's report is: "A supplemental report will be submitted following more detailed examination of the brain and of microscopic sections" [Post Mortem; see typed version, page 6; holograph page 523].

Humes's March 16, 1964, testimony to the Warren Commission (Volume 2, 347ff.) with Boswell and Finck present and testifying after he did, included his explanation of the need for this formalin fixation. His testimony also included his explanation for the delay caused by this fixation: "This delay necessitated by, primarily, our desire to have the brain better fixed with formaldehyde before we proceeded further with the examination of the brain which is a standard means of approach to study of the brain. The brain, in fresh state, does not lend itself well to examination" [Volume 2, page 355].

Humes asked to be able to refer to "the second portion" of his autopsy report. It was entered into the record as Exhibit 391. (It is the last exhibit in Volume 16, pages 987-98.) It was dated December 6, 1964.

But the President was buried on November 25, twelve days earlier than the date Humes completed his study of the fixed brain and handed in his report.

Humes and Boswell certainly knew very well that they had the brain in their possession, soaking in the formaldehyde solution, when the President was buried.

When interviewed by Lundberg, they therefore knew that it was not possible for "the family" to "bury it with the body" [Humes's words], or that "it was buried with the body" [Boswell's words].

According to the February 1, 1965, "personal" notes Finck made at the request of Brigadier General J. M. Blum, director of the Armed

See separate page

I had and the standard form is 2 H3 + 7 ff. This is the supplement

As a truth in in my "revelation"

This may be correct but even if it is it will be confusing because the entire installation is 74 "medical center" and its command officer has an admiral's rank and quartermaster's rank superior officer! Harold Weisberg suggests something like "Humes" and Boswell adds, "Captain Stover (the medical center's commanding officer) was thorough, and I'm sure he had someone complete the paperwork."

Boswell was correct, but Lundberg, who knew nothing at all, knew better. His concept of conducting interviews was to argue his uninformed and incorrect beliefs.

He did not know that the autopsy had been properly authorized and ordered, therefore it was not Reality for some reason seemed to be what he believed it to be, without having bothered to learn the truth, as he could have by a simple letter or phone call to the Navy's FOIA office. But then he had only seven years in which to prepare, from the time he got that seven-year justify-the-Warren-Report and my-old-chums itch.

There was nothing else at all about the autopsy and what relates to it that he had the time to learn in those seven years, as will be apparent.

So that Breo can be evaluated, we must consider what he wrote about two matters that have been intensely controversial for years: (1) what happened to JFK's brain; and (2) the forensic qualifications of the Humes and Boswell. His treatment of them will also provide a means of determining how much the words of all four principals can be accepted.

Toward the end of his article, Breo asked, "What happened to the brain?" He then wrote, "Boswell says, 'I believe that it was buried with the body.' Humes says, 'I don't know, but I do know that I personally handed it over to Admiral Burkley and that he told me that the family intended to bury it with the body. I believe Admiral Burkley.'"

All should have known not only that this was not true, but that it was impossible. Humes and Boswell should have known this from what they had said in their own autopsy report. Lundberg and Breo should have known because they should have read the autopsy report, the basis of Lundberg's interviews and of Breo's article.

Humes wrote the autopsy report in longhand. It was retyped, and the retyped copy is the one filed as official. (I published the rewritten

I am reasonably certain that what I just wrote is what Humes buried his real and autopsy report and

had not been
my earlier
reference to
this is isolated
out
and now
after 30 years,
the editor
and Boswell
a new
way of
writing?
This is a
that follows
to indicate
confusion
where it did
not exist?

I have no idea why the editor removed so many of my citations NEVER AGAIN! # Post Mortem, which is a much more reality about the man in commission 26

holograph of this report in facsimile in Post Mortem on pages 509-23.) The Commission's copy was provided by the Secret Service almost a month later, under the date of December 20, 1963. The Commission filed it as one of its numbered documents, or as Commission Document 77, and in its file of "Key Persons," under "Kennedy, John F. 4-1."

On page 4 of the typed copy, page 516 of Humes's handwritten "original" (the quotation marks will be explained later), Humes wrote, "The brain is removed and preserved for further study following formalin fixation." The next-to-the-last sentence in the text of Humes's report is: "A supplemental report will be submitted following more detailed examination of the brain and of microscopic sections" [Post Mortem; see typed version, page 6; holograph page 523].

Humes's March 16, 1964, testimony to the Warren Commission (Volume 2, 347ff), with Boswell and Finck present and testifying after he did, included his explanation of the need for this formalin fixation. His testimony also included his explanation for the delay caused by this fixation: "This delay necessitated by, primarily, our desire to have the brain better fixed with formaldehyde before we proceeded further with the examination of the brain which is a standard means of approach to study of the brain. The brain, in fresh state, does not lend itself well to examination" [Volume 2, page 355].

Humes asked to be able to refer to "the second portion" of his autopsy report. It was entered into the record as Exhibit 391. (It is the last exhibit in Volume 16, pages 987-98.) It was dated December 6, 1964.

But the President was buried on November 25, twelve days earlier than the date Humes completed his study of the fixed brain and handed in his report.

Humes and Boswell certainly knew very well that they had the brain in their possession, soaking in the formaldehyde solution, when the President was buried.

When interviewed by Lundberg, they therefore knew that it was not possible for "the family" to "bury it with the body" [Humes's words], or that "it was buried with the body" [Boswell's words].

According to the February 1, 1965, "personal" notes Finck made at the request of Brigadier General J. M. Blum, director of the Armed

man in commission 26 involved but in doing that none-wrong here and elsewhere, Humes' 15 page report is given as having at least 576 pages! I cited page 516 of Post Mortem where it is in facsimile. In the holograph it is page eight

see separate page

I had and the standard form is 2 H 347 ff. This is the supplement

As a truth in in my "re-written"

Take, for example, this pontification from his imagined Olympus: "I can state without concern or question that President Kennedy was struck and killed by two, and only two bullets, fired from one high-velocity rifle" [Quoted from the Reuters report in the *San Francisco Examiner*, May 19, 1992].

JFK was not killed by two bullets. Only one was fatal. As a pathologist, Lundberg should have known that, in general, one of the purposes of an autopsy is to establish which one bullet did cause death. In the JFK case it was so obvious that no autopsy was required to prove it.

There is no way that this autopsy could have proved (or not proved) that each of these two bullets was fatal or that both were "fired from one high-velocity rifle."

It is just plain false for Lundberg to describe the Mannlicher-Carcano rifle from which, in the official story, all bullets were fired as being of "high-velocity." With a muzzle velocity of about 2100 feet per second, these bullets were of only medium to low-velocity for a rifle. That is what Robert A. Frazier, the FBI's expert, testified to the Warren Commission. It published his testimony. Moreover it is nearly impossible for wounds to pinpoint the velocity of the bullets that caused them. In addition the design of the bullet or bullets, which Lundberg did not once mention, is an important factor in the character of the wounds caused.

Following the Reuters dispatch directly, Lundberg next said, "The eyewitness accounts and the scientific evidence are indisputable" in his account of the careers of the two bullets. Lundberg did not cite a single eyewitness in his press conference. Breo mentioned none in his article. Lundberg did not ask a single question about any eyewitness.

Nor did he, in his press conference or in what he published in JAMA, refer to any of the great volume of "scientific evidence" that was readily available. It was available in what the FBI chose to let the Commission have. What the Commission did not publish was in its files that have been available at the National Archives since 1965. It was also available in the court records of my two lawsuits against the FBI.

I have always provided access to my records to others. The docu-

suggest in two of my

rewrite but I do know that Lundberg

did not follow the Reuters account of what he said "directly" perhaps something like,

"quoting further from the Reuters dispatch."

"it is so not for his 'from' but 'some' instead of 'the'."

"I am not the meaning of the last sentence in this article. I but I am not talking in a pack of any apparent meaning."

"The editor here in the news is not that is a flagrant error. I am a doctor, not a writer."

"I am not the meaning of the last sentence in this article. I but I am not talking in a pack of any apparent meaning."

"The editor here in the news is not that is a flagrant error. I am a doctor, not a writer."

"I am not the meaning of the last sentence in this article. I but I am not talking in a pack of any apparent meaning."

NEVER AGAIN!

ments have always been available from me, and once disclosed to me, they are accessible in the FBI's public reading room.

The transcripts of the testimony of these FBI laboratory agents are part of the court records. They have always been available from the clerk of the court as well as from me and from my lawyer.

Breo puffs Lundberg up a bit: "JAMA's Lundberg, a stickler for detail, poses some questions that remain official mysteries."

He then states one of these supposed "official mysteries" in the subheading of what follows in his story, in boldface type, "Who ordered the autopsy?" He then repeats these same words in the first sentences of the text, "Who ordered the autopsy?"

To begin with, as certainly Lundberg, as a professional pathologist and as a pathologist for a decade in the military, knew very well, this is the wrong question. The autopsy was required by law as well as by the Navy's regulations.

What he really meant was who authorized it. And that is neither a secret nor a mystery. The authorization was signed by Robert Kennedy, then the attorney general as well as a surviving brother.

This shows that Lundberg is "a stickler for detail"?

This shows that Lundberg "poses some questions that remain official mysteries"?

Of all the questions that could be asked about the autopsy, of all the many criticisms of the autopsy by professionals, including the American Academy of Forensic Sciences, these alone are of such great importance that Breo uses them to tell JAMA's readers how important and how wise and well-informed his boss is?

Breo then quoted answers to this question from the transcripts of Lundberg's interviews:

"It must have been Jackie Kennedy," says Humes. "She made the request through Admiral Burkley." Boswell says, "It must have been Robert Kennedy. He was acting on behalf of the family." Lundberg counters ["Counters"? Some "interview"!], "Well, we have a lot of 'must haves' but no answer." Humes says, "Well, George, I hope you're not saying that we shouldn't have done the autopsy! My orders came from Ed Kenney, the surgeon general of the Navy. The President's personal physician, Admiral Burkley, was standing beside me at the autopsy table..." Lundberg concludes, "OK, there were verbal OKS" all over the place." Boswell

Take, for example, this pontification from his imagined Olympus: "I can state without concern or question that President Kennedy was struck and killed by two, and only two bullets, fired from one high-velocity rifle" [Quoted from the Reuters report in the *San Francisco Examiner*, May 19, 1992].

JFK was not killed by two bullets. Only one was fatal. As a pathologist, Lundberg should have known that, in general, one of the purposes of an autopsy is to establish which one bullet did cause death. In the JFK case it was so obvious that no autopsy was required to prove it.

There is no way that this autopsy could have proved (or not proved) that each of these two bullets was fatal or that both were "fired from one high-velocity rifle."

It is just plain false for Lundberg to describe the Mannlicher-Carcano rifle from which, in the official story, all bullets were fired as being of "high-velocity." With a muzzle velocity of about 2100 feet per second, these bullets were of only medium to low-velocity for a rifle. That is what Robert A. Frazier, the FBI's expert, testified to the Warren Commission. It published his testimony. Moreover it is nearly impossible for wounds to pinpoint the velocity of the bullets that caused them. In addition the design of the bullet or bullets, which Lundberg did not once mention, is an important factor in the character of the wounds caused.

Following the Reuters dispatch directly, Lundberg next said, "The eyewitness accounts and the scientific evidence are indisputable" in his account of the careers of the two bullets. Lundberg did not cite a single eyewitness in his press conference. Breo mentioned none in his article. Lundberg did not ask a single question about any eyewitness.

Nor did he, in his press conference or in what he published in JAMA, refer to any of the great volume of "scientific evidence" that was readily available. It was available in what the FBI chose to let the Commission have. What the Commission did not publish was in its files that have been available at the National Archives since 1965. It was also available in the court records of my two lawsuits against the FBI.

I have always provided access to my records to others. The docu-

suggest (in two of my)

rewrite but I do know that Lundberg
did not follow the Reuters account of what

he said "direct-
ly" "Probably
something
like,

"quoting
himself
from the
Reuters
dispatch"

"this is too
short per
haps from
that some"

instead of
"the"

"I do not see
the meaning
of the last sen-
tence in this
H but I see
no harm in
in to track
any apparent
meaning"

The editor here in
two cases in
that is flagrant.
I filed a dozen
more such
suits.

NEVER AGAIN!

ments have always been available from me, and once disclosed to me, they are accessible in the FBI's public reading room.

The transcripts of the testimony of these FBI laboratory agents are part of the court records. They have always been available from the clerk of the court as well as from me and from my lawyer.

Breo puffs Lundberg up a bit: "JAMA's Lundberg, a stickler for detail, poses some questions that remain official mysteries."

He then states one of these supposed "official mysteries" in the subheading of what follows in his story, in boldface type, "Who ordered the autopsy?" He then repeats these same words in the first sentences of the text, "Who ordered the autopsy?"

To begin with, as certainly Lundberg, as a professional pathologist and as a pathologist for a decade in the military, knew very well, this is the wrong question. The autopsy was required by law as well as by the Navy's regulations.

What he really meant was who authorized it. And that is neither a secret nor a mystery. The authorization was signed by Robert Kennedy, then the attorney general as well as a surviving brother.

This shows that Lundberg is "a stickler for detail"?

This shows that Lundberg "poses some questions that remain official mysteries"?

Of all the questions that could be asked about the autopsy, of all the many criticisms of the autopsy by professionals, including the American Academy of Forensic Sciences, these alone are of such great importance that Breo uses them to tell JAMA's readers how important and how wise and well-informed his boss is?

Breo then quoted answers to this question from the transcripts of Lundberg's interviews:

"It must have been Jackie Kennedy," says Humes. "She made the request through Admiral Burkley." Boswell says, "It must have been Robert Kennedy. He was acting on behalf of the family." Lundberg counters ["Counters"? Some "interview"!], "Well, we have a lot of 'must haves' but no answer." Humes says, "Well, George, I hope you're not saying that we shouldn't have done the autopsy! My orders came from Ed Kenney, the surgeon general of the Navy, The President's personal physician, Admiral Burkley, was standing beside me at the autopsy table ..." Lundberg concludes, "OK, there were verbal OKS all over the place." Boswell

1. The President's clothes

Chapter 19

The President's New Clothes

PERHAPS THE BEST SINGLE SUBJECT WITH WHICH TO ILLUSTRATE HOW utterly the opposite of the truth will emerge was what JAMA, Lundberg, Humes, and Boswell said about the President's clothes:

It was only during their interviews with Warren Commission investigators that Humes and Boswell saw for the first time the clothing worn by President Kennedy. Humes says, 'Once we saw the holes in the back of the President's suit jacket and shirt and the nicks on his shirt collar and the knot of his necktie, the path of the second bullet was conformed. That bullet was traveling very fast and it had to go somewhere. I believe in the single-bullet theory that it struck Governor Connally immediately after exiting the President's throat.' Boswell adds, 'Having seen the clothing I now know that I created a terrible problem with my own autopsy drawings. My drawings of the bullet holes on the night of the autopsy did not precisely match up with the actual holes in the clothing, because we were not aware that the President's suit jacket had humped up on his back while he waved at the spectators. These errors were later exploited by the conspiracy crowd to fit their premises and purposes.' The clothing was kept in the National Archives, along with the rest of the autopsy materials.

There are nine statements of supposed fact in this relatively brief quotation from JAMA. Some are readily and easily dismissed for their inaccuracy from what is well-known. Others are not easily dismissed. With all the information supposedly coming from Humes and Boswell, most of it within quotation marks, an immediate question is: How much did they really know?

* * *

was JAMA's intent
and that of Humes
and Boswell in
what they said about
the President's clothes?

film; and merely eyeballing the rifle. Incompetent opinion thus became "documentation" to JAMA.

Breo ended his account of his interview with Finck quoting him as saying, "It is over. No more questions." In that same issue Lundberg headlined his editorial, "Closing the Case in JAMA on the JFK Autopsy."

Both statements are very wrong. It is not over. There now are even more questions.

*I did not indicate
status and page
should not be
any*

*I did not
say this*

Chapter 26

Was There a Military Conspiracy?

IN HIS MOVIE JFK OLIVER STONE CONVEYED THE IDEA THAT THERE was a military conspiracy to kill JFK. He adopted that from Jim Garrison's book, *On the Trail of the Assassins*, to which he had bought the rights. As with so much in his book Garrison just made that up. I was there, and to a degree, I was aware of what he was doing and perhaps more importantly what he was not doing. I could have said more and in retrospect believe I should have said more. But the trail of assassins is also the trail Garrison refused to take.

I began this book with the intention, consistent with the thrust of my work, of also showing that the basic institutions of our society failed to work at the time of the assassination and since then. The media are one of the our basic institutions. In using nothing new, only what was readily available to the JAMA gang, to make the point that the truth, the established fact that is really the officially established fact, ~~that is really the officially established fact~~, I also used what was as readily available to the media, which also had ignored it.

In the course of writing his book, I came to believe that it also should include some of the so-called "new" evidence. That phrase was the irrelevancy employed by the Commission's former member, Gerald Ford, its counsels, its apologists, and its defenders in nonresponse to the criticism of the Report that began with my first book. It was irrelevant because there was nothing wrong with the "old" evidence entirely disproving the Report.

In the course of my investigations I did develop "new" evidence that also bears on whether or not there had been a conspiracy. I turned some of these leads over to Garrison. They did not involve Clay Shaw, so Garrison was not interested in them. My work in New Orleans centered on learning more about Oswald and his efforts to

*3 and I, not should have
consulted.
if too long, "used"
instead of "consulted"*

progressed to where they had opened the body and were examining it before having taken X-rays. In Finck's own written account, he put this in capital letters, "I SUGGEST THAT XRAY FILMS BE TAKEN . . . OF THE ENTIRE BODY BEFORE GOING ANY FURTHER WITH THE AUTOPSY." This was not done.

Breo's direct quotation of what Finck wrote, nothing omitted indicated, continues with this studied and intended deception: "This radiological survey does not reveal any major missiles in the President's cadaver. There are only numerous metallic fragments in the head."

Can it be that the man who headed the AFIP's Wounds Ballistics Branch, who studied the effects of various kinds of wounds on military personnel, was so ignorant or so stupid that he would restrict what he said the X-ray of the body showed to only no "major missiles"?

How about "minor missiles," fragments of bullet in the body? The autopsy he signed mentions none and says there were none. This also is true of Humes's Warren Commission testimony that Finck as well as Boswell endorsed as full, complete, and accurate themselves under oath before that Commission. Yet, as we also have seen, those very X-rays, the very ones Finck boasted about having had taken so belatedly, reveal bullet fragments in the very area of the body that they were required by Navy regulations to have dissected and that they did not dissect.

As we also have seen, any fragments at all there completely disprove the Warren report's conclusions, especially that there had been no conspiracy.

It cannot be believed that Finck had risen to his position as head of the AFIP's Wounds Ballistics Branch and been so ignorant he did not know the significance of any "minor missiles" found.

His memo is not much better in its next sentence: "There are only numerous metallic fragments in the head." As we also have seen, this is an inadequate and misleading description of those head fragments. Finck signed the autopsy describing them as "dustlike." He was the Army's expert on wounds caused by military ammunition. The ammunition said to have caused all the President's wounds was military. The alleged bullets were designed and made in accord with international agreements, the philosophy of which goes back to the

Civil War era and the first international agreement to make warfare more humanitarian. In terms of wounds and what causes them, this ammunition was designed not to leave "dustlike" fragments, but to cause through-and-through wounds.

Finck next wrote (still nothing omitted in quotation), "I helped the Navy photographers to take photographs of the occipital wound (external and internal aspects), as well as the wound in the back." He referred to a wound in the back, not in the neck, where the Report and the autopsy protocol he signed places it.

But the more important point here is Finck's lack of reference to what those pictures disclosed. In the section the Department of Justice's panel of experts headed "Examination of photographs of head" (page 8 of the report; reprinted in *Post Mortem* on page 587), they wrote, referring to three of the photographs Finck helped take:

"In the central portion of its base [referring to a "canal" between the front and back of the head], there can be seen a gray-brown rectangular structure measuring approximately 13 x 20 mm. Its identity cannot be established by the panel." Twenty millimeters is about three-quarters of an inch. This obviously is not part of the head. It is a foreign object. Why did the prosecutors not refer to this? Can it be that their picture revealed what their eyes did not perceive, especially when it is not the color of the bloodied head?

This is not by any means all the abnormality reflected in the autopsy, but not mentioned in the protocol, the testimony, or here in Finck's memos to his boss and to Breo. On page 11 of this same report (*Post Mortem*, page 590), under the heading, "Examination of X-ray films," the report states, referring to the hole in the back of the head said to be where a bullet entered, "Also there is, embedded in the outer table of the skull close to the lower edge of the hole, a large metallic fragment which on the antero-posterior film (#1) lies 25 mm to the right of the midline. This fragment as seen in the latter film is round and measures 6.5 mm in diameter."

There is no mention of this in any protocol, testimony, or memos. Yet it was so obvious.

"Metallic objects" glow like they are fluorescent in X-rays. So here we have Finck belatedly rallying to his own defense and that of his prosecutor colleagues, their autopsy, their autopsy protocol, and their testimonies without even belated mention of this "structure"

in context are felonious; perjury. (This was not in any sense unusual. It often required month after month of repeated briefings, arguments, and documentations to compel the disclosure of countless records that were improperly withheld—many thousands of them. It actually was not unusual for some of these efforts to require years during which there were appeals to the appeals court, an additional time-consuming and costly effort. Only those who have been rubbed by it can appreciate the harsh grinding of the omnipresent official millstone when the government did not want to disclose what the law required it to disclose, wanted to hide what could be embarrassing to it, or just wanted to wear me down in that litigation. This matter of that index is but one of innumerable illustrations.)

But, after all those months of efforts, copies of the secret Dallas FBI office special subject index—42 linear feet of 3 x 5 cards—were given to me. This index identifies each reference by file and serial number. This index is not limited to records originated in Dallas, known as the Office of Origin, because, consistent with FBI practice, the information developed by the FBI's other offices was funneled to FBIHQ through Dallas.

The number of court appearances in all this litigation is well over one hundred, perhaps closer to two hundred. Only those who have litigated can begin to appreciate the amount of time and effort this represents. And it does not include what was and usually is much more common, the filing of pleadings by both litigants.

Some of the lawsuits in the following list set precedents. After all these years I no longer recall all of them. In retrospect I believe the one that means most to me—distinguished as it is from precedents that required that the records I sought be searched for with due diligence and then disclosed to me and the case that got me the records sought without charge—the suit that established that one cannot copyright the nation's history and then deny access to it. As a result, the FBI was required to print and give me copies of more than one hundred photographs that were taken by Joseph Louw, the only photographer on the scene when Martin Luther King, Jr., was killed. They were copyrighted, with fewer than 10 percent of them ever used in public. The property right of the copyright holder was preserved from him. I may not publish those photographs without permission to do so. But the effect of that decision was to hold that

have
remembered
a sp of under
H

The un-
necessary
editing
below, I
was in
writing my
petition
from them
not the
necessary
work

51,
51 is

for

copies of copyrighted information must be made available for research, for the private study of the scholar.

In each of these exceptionally successful cases it was Jim Lesar who did the work and to whom we are all indebted for its success.

In this sense, of what is success, I lost in the case over which the law was amended in 1974. It went all the way to the Supreme Court, which refused to take the case. That was clearly a failure. Yet it was also the greatest success of all because it did open to the FOIA requesters the relevant records of the FBI, the CIA, and similar agencies when Congress noted it in amending the act. The case cited in the Senate as requiring the 1974 amending of the FOIA's investigative files exemption was only the second suit I filed. It is CA 2301-70.

"CA" denotes "civil action," to distinguish such cases from criminal cases. That federal district court then listed the case number first, 2301, then the year, 70, for 1970. In later years the court reversed the order.

Other abbreviations used include the following.

"J" after the names identify the judges.

"D. C. Cir." denotes the United States Court of Appeals for the District of Columbia. Where I have the citation of the decisions as printed in the law books, this is the last entry under each appeal.

Jim Lesar prepared this list. While not 100 percent complete, the list does identify the cases and their ultimate disposition.

These cases also represent a simply enormous labor by Jim Lesar and the sacrifices made by him and his family when I was not able to pay him.

FOIA Lawsuits

CA 718-70, *Harold Weisberg versus United States Department of Justice* (Edward Curran, J.).

CA 2301-70, *Harold Weisberg versus United States Department of Justice* (John Sirica, J.).

D. C. Cir. 71-1026, *Weisberg versus U.S. Department of Justice*, 160 U. S. App. D. C. 71, 489 F. 2d 1195 (en banc), certiorari denied 416 U. S. 993 (1974).

CA 2052-73, *Harold Weisberg versus General Services Administration* (Gerhard Gesell, J.).

CA 75-0226, *Harold Weisberg versus United States Department of*

It
There should
have been an
extra space
here.

This editing
has been
done and
all the
words
in the
citations
are
the
only
the
"I used
the
words"
added

Chapter 12

To Set the Record Straight?

IN THE SPRING OF 1966, I BEGAN THE WORK ON *POST MORTEM* THAT would last almost a decade. The information from it in the preceding chapter is from the first of its three parts.

Its second part is devoted entirely to the panel of experts that the Department of Justice appointed in secrecy to evaluate and report on the autopsy protocol and the kept-secret pictures and X rays taken during the autopsy. There was no public knowledge of this secret panel or its secret report until it served the government's interest to disclose it. This is how it happened.

New Orleans District Attorney Jim Garrison had charged a prominent local businessman and author, Clay Shaw, with being part of a conspiracy to kill President Kennedy. Garrison filed suit in a local Washington, D. C., court to have the autopsy and other related evidence presented to the jury that would try Shaw. Judge Charles Halleck held a hearing in the lawsuit on the Friday in January 1969 before the Monday on which the New Orleans jury impaneling would begin.

I was the first person outside the government to see this report because I was an expert witness for Garrison's Washington lawyer, my friend Bernard "Bud" Fensterwald, Jr.

Quite improperly, the kind of dirty trick the government can get away with the government had withheld this report and the motion it would argue, all the while planning to hand them to us in the courtroom the morning of the hearing, when it would be impossible to check or to analyze.

The night before the court date I met with Bud and his then-partner, William Ohlhausen, as well as Bud's associate who had not